



Supreme Court of the United States

October Term, 1978

No. 78-612

THE STATE OF OHIO ON RELATION
OF JACK M. SCHULMAN, DIRECTOR OF LAW OF
THE CITY OF CLEVELAND, OHIO,

Petitioner,

vs.

JOSEPH G. TEGREENE,
DIRECTOR OF FINANCE OF
THE CITY OF CLEVELAND, OHIO,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE OHIO SUPREME COURT

BRIEF OF RESPONDENTS IN OPPOSITION

CHARLES S. TRICARICHI
TRICARICHI, CARNES & KUBE
55 Public Square
Cleveland, Ohio 44113
(216) 861-6677

Attorney for Respondent

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STATEMENT

Respondent, Joseph G. Tegreene, Director of Finance of the City of Cleveland, Ohio, incorporates herein the statement of the case as well as other sections of Petitioner's petition that have complied with Rule 40 of the Rules of the Supreme Court of the United States.

ARGUMENT

Respondent does not oppose the Petition for Writ of Certiorari.¹ While Respondent feels that the decision of the Ohio Supreme Court was correct in failing to grant the Petitioner's application for a writ of mandamus, Respondent states that the question presented in the Petition is of special and important significance to warrant the consideration of the granting of the petition. This is especially true in light of the current fiscal problems of the City of Cleveland.

The Petitioner has accurately stated that the Supreme Court of Ohio apparently failed to take into consideration the judgment of the 6th Circuit Court of Appeals and the District of Columbia District Court which had previously held that the obligations to pay for power supplied by the Cleveland Electric Illuminating Company were non-contractual obligations based upon order of the Federal Power Commission.²

Respectfully submitted,

CHARLES S. TRICARICHI
TRICARICHI, CARNES & KUBE
55 Public Square — Suite 2120
Cleveland, Ohio 44113
(216) 861-6677
Attorney for Respondent

¹ Respondent realizes in taking this position that he has departed from the general rule that a Response to a Petition for Writ of Certiorari shall disclose any matter or ground why the cause should not be reviewed by the United States Supreme Court. Supreme Court Rule 24.

² A.11, A.16 of Petitioner's Appendix.